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Patent Docket P1447R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Dan Eaton, et al. Serial No.: 10/015,967 Filed: December 7, 2001 For: Interleukin-8 Homologous Polypeptides and Therapeutic Uses Thereof	Group Art Unit: Unknown Examiner: Unknown CONFIRMATION NO: 9428
<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</p> <p>June 5, 2002</p> <p>Teri Lee</p>	

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box: Missing Parts
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

This is responsive to the Notice to File Missing Parts - Filing Date Granted dated May 15, 2002.

Transmitted herewith are the following documents:

1. Declaration duly executed (in 12 parts).
2. Request to Correct Inventorship under 37 C.F.R. §1.48(a) (1).
3. Statement in Support of Request to Correct Inventorship under 37 C.F.R. §1.48(a).
4. Consent by Assignee to Correction of Inventorship.
5. Copy of Notice to File Missing Parts of Application.
6. Fee of \$130.00 for the late filing of the executed Declaration is hereby authorized to charge to Deposit Account No. 07-0630.
7. Seven (7) Sheets of Formal Drawings and transmittal.
8. Post card.

Please note that a paper and electronic (disk) filing of the Sequence Listing, and a Certificate re: Sequence Listing Response Under 37 CFR 1.821 (f) and (g) was sent under separate cover. This was filed on June 4, 2002, via US Postal Service, and was addressed to U.S. Patent and Trademark Office, Box: Sequence, P.O. Box 2327, Arlington, VA 22202.

Serial No: 10/015,967
Filed: December 7, 2001

An executed Assignment document and Assignment Recordation sheet was sent to the Recordation Office by facsimile on June 5, 2002.

The Commissioner is hereby authorized to deduct the appropriate surcharge fee of \$130 associated with this communication or credit any overpayment to Deposit Account No. 07-0630. A duplicate of this sheet is enclosed.

Respectfully submitted,

GENENTECH, INC.

By: *Elizabeth M. Barnes*
Elizabeth M. Barnes, Ph.D.
Reg. No. 35,059
Telephone No. (650) 225-4563

Date: June 5, 2002



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UNITED STATES PATENT AND TRADEMARK OFFICE



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Page 1 of 2

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/015,967	12/07/2001	Dorothy French	P1447R1

Attn: Elizabeth M. Barnes, Ph.D.
GENENTECH, INC.
1 DNA WAY
SOUTH SAN FRANCISCO, CA 94080

CONFIRMATION NO. 9428
FORMALITIES LETTER



OC00000008114139

Date Mailed: 05/15/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rule Interpretation, call (703) 308-4216
- To Purchase PatentSoft , call (703) 306-2600
- For PatentSoft Program Help, call (703) 306-4119 or e-mail at

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patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Patent Docket P1447R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Application of Dorothy French, et al. Serial No.: 10/015967 Filed: December 7, 2001 For: <i>Interleukin-8 Homologous Polypeptides and Therapeutic Uses Thereof</i></p>	<p>Group Art Unit: Unknown Examiner: Unknown</p> <p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on</p> <p>June 5, 2002</p> <p>Teri Lee</p>
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REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a) (1)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicant hereby requests, under 37 C.F.R. §1.48(a), correction of the inventorship named in the above-identified application to indicate the proper inventorship. Pursuant to 37 C.F.R. §1.48(a)(2), Applicant submits herewith a Statement of Dan L. Eaton who was erroneously omitted as a named inventor. The Statement establishes that such omission occurred without deceptive intent. Dan L. Eaton, Dorothy French, J. Christopher Grimaldi, Kenneth J. Hillan, Maria Teresa Pisabarro, Kerstin N. Schmidt, Victoria Smith, Daniel Tumas, Richard Vandlen, Colin K. Watanabe, P. Mickey Williams, and William I. Wood are the properly named inventors of the claimed subject matter in the present application.

A Combined Declaration and Power of Attorney executed by all the properly named inventors, namely, Dan L. Eaton, Dorothy French, J. Christopher Grimaldi, Kenneth J. Hillan, Maria Teresa Pisabarro, Kerstin N. Schmidt, Victoria Smith, Daniel Tumas, Richard Vandlen, Colin K. Watanabe, P. Mickey Williams, and William I. Wood pursuant to 37 C.F.R. §1.48(a)(2) is submitted herewith. Being sent separately by facsimile is an executed assignment from Dan L. Eaton, Dorothy French, J. Christopher Grimaldi, Kenneth J. Hillan, Maria Teresa Pisabarro, Kerstin N. Schmidt, Victoria Smith, Daniel Tumas, Richard Vandlen, Colin K. Watanabe, P. Mickey Williams, and William I. Wood to Genentech, Inc., the assignee of the above-identified application.

Applicant further submits herewith a Consent of Assignee pursuant to 37 C.F.R. §1.48(a)(5) providing the written consent of Genentech, Inc. to the correction of inventorship requested herein.

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Applicant hereby authorizes the Commissioner to charge Deposit Account No. 07-0630 the processing fee of \$130.00 set forth in 37 CFR 1.17(i). Any deficiency of overpayment should be charged or credited to this deposit account. A duplicate copy of this Request is enclosed for this purpose.

Respectfully submitted,
GENENTECH, INC.

Date: June 5, 2002

By: Elizabeth M. Barnes
Elizabeth M. Barnes, Ph.D.
Reg. No. 35,059
Telephone No. (650) 225-4563



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In re Application of Dorothy French, et al. Serial No.: 10/015967 Filed: December 7, 2001 For: <i>Interleukin-8 Homologous Polypeptides and Therapeutic Uses Thereof</i>	Group Art Unit: Unknown Examiner: Unknown
<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on</p> <p>June 5, 2002</p> <p><i>Teri Renshaw - Lee</i></p>	

STATEMENT IN SUPPORT OF REQUEST
TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Dan L. Eaton, hereby say as follows:

1. I am aware that the above-identified application was filed on December 7, 2001 and that the originally named inventors in the application included Dorothy French, J. Christopher Grimaldi, Kenneth J. Hillan, Maria Teresa Pisabarro, Kerstin N. Schmidt, Victoria Smith, Daniel Tumas, Richard Vandlen, Colin K. Watanabe, P. Mickey Williams, and William I. Wood.

2. After filing the patent application and after conferring with the attorney of record, we learned that Dan L. Eaton had been erroneously omitted from the inventorship named in the above-identified application.

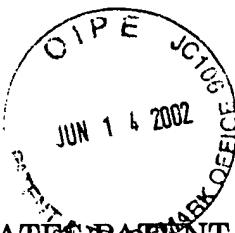
3. We believe in good faith that Dan L. Eaton was erroneously omitted from the named inventorship in the above-identified application without any deceptive intent on my/our part.

Date: 2/11/02

By: Dan Eaton
Dan L. Eaton



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CONSENT BY ASSIGNEE TO CORRECTION OF INVENTORSHIP

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

The assignee of record, Genentech, Inc., hereby consents to the correction of inventorship filed herewith.

Respectfully submitted,
GENENTECH, INC.

Date: June 5, 2002

By: Sean Johnston *EMB*
Sean A. Johnston
Vice President
Telephone No. (650) 225-3562



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June 5, 2002

Teri Lee

TRANSMITTAL OF FORMAL DRAWINGS

Box: Missing Parts
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Transmitted herewith are the seven (7) sheets of Formal Drawings for the above-identified patent application.

In the event any additional fees are due in connection with the filing of these documents, the Commissioner is authorized to charge such fees to our Deposit Account No. 07-0630.

Respectfully submitted,

GENENTECH, INC.

By: *Elizabeth M. Barnes*
Elizabeth M. Barnes, Ph.D.
Reg. No. 35,059
Telephone No. (650) 225-4563



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